

16-1436 TRUMP V. INTERNATIONAL REFUGEE ASSISTANCE PROJECT

DECISION BELOW: 857 F.3d 554

LOWER COURT CASE NUMBER: 17-1351

QUESTION PRESENTED:

The Constitution and Acts of Congress confer on the President broad authority to prohibit or restrict the entry of aliens outside the United States when he deems it in the Nation's interest. Exercising that authority, the President issued Executive Order No. 13,780, 82 Fed. Reg. 13,209 (Mar. 9, 2017). Section 2(c) of that Order suspends for 90 days the entry of foreign nationals from six countries that Congress or the Executive previously designated as presenting heightened terrorism-related risks, subject to case-by-case waivers. The district court issued, and the court of appeals upheld, a preliminary injunction barring enforcement of Section 2(c) against any person worldwide, because both courts concluded that the suspension violates the Establishment Clause.

The questions presented are:

1. Whether respondents' challenge to the temporary suspension of entry of aliens abroad is justiciable.
2. Whether Section 2(c)'s temporary suspension of entry violates the Establishment Clause.
3. Whether the global injunction, which rests on alleged injury to a single individual plaintiff, is impermissibly overbroad.

OPINION OF 6/26/2017:

CONSOLIDATED WITH 16-1540 FOR ARGUMENT.

IN ADDITION TO THE ISSUES IDENTIFIED IN THE PETITIONS, THE PARTIES ARE DIRECTED TO ADDRESS THE FOLLOWING QUESTION: "WHETHER THE CHALLENGES TO §2(c) BECAME MOOT ON JUNE 14, 2017."

ORDER OF AUGUST 24, 2017: FURTHER CONSIDERATION OF THE MOTION OF RESPONDENTS HAWAII, ET AL. TO ADD JOHN DOE AS A PARTY TO NO. 16-1540 IS DEFERRED TO THE HEARING OF THE CASE ON THE MERITS.

CERT. GRANTED 6/26/2017